STAND. COM. REP. NO.

G46-14

Honolulu, Hawaii February 7 , 2014

RE: H.B. No. 1415 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1415 entitled:

"A BILL FOR AN ACT RELATING TO SERVICE BY PUBLICATION,"

begs leave to report as follows:

The purpose of this measure is to clarify provisions relating to the service of process for certain civil actions through publication in a newspaper of general circulation when personal service is unsuccessful by defining the term "general circulation."

The Honolulu Star-Advertiser testified in opposition to this measure. The Hawaii State Bar Association, Collection Law Section; Hawaii Financial Services Association; Hawaii Bankers Association; and Hawaii Credit Union League provided comments.

Your Committee has amended this measure by:

- (1) Creating a new statutory section that establishes requirements for service of process by publication for all civil actions that are subject to standard requirements for notice and conduct of proceedings when personal delivery is unsuccessful including:
 - (A) Publication once each week for three consecutive weeks in a newspaper published in the State and having general circulation, the last of which must

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be at least twenty-one days before the return date; or

- (B) Publication once in a newspaper of general circulation in addition to publication on a state website subject to the conditions of a court order, no later than twenty-one days prior to the return date; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1415, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1415, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

State of Hawaii House of Representatives House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HR 1415	Committee Referr	al:	Date:	50/14	
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members	A	yes Aye	s (WR)	Nays	Excused
1. RHOADS, Karl (C)	Y				
2. HAR, Sharon E. (VC)	×	Planting Company	would	Chr. County of C	
3. BELATTI, Della Au					
4. BROWER, Tom	<u> </u>		Name of the state of		
5. CREAGAN, Richard	<u> </u>				
6. ITO, Ken 7. KAWAKAMI, Derek S.K.	X.				
7. KAWAKAMI, Derek S.K. 8. LEE, Chris	<u> </u>				
9. NAKASHIMA, Mark M.				Earna.	
10. TSUJI, Clift					
11. WOOLEY, Jessica					
12. MCDERMOTT, Bob	X	A A A A A A A A A A A A A A A A A A A	ATTION OF COMMAND		only the state of
13. THIELEN, Cynthia	X				
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TOTAL (13)		2)
The recommendation is: Adopted Not Adopted committee acronym(s) Adopted did not support recommendation.					
Vice Chair's or designee's signature:					
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